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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues
11 Against:

Case No. 2012-20

12 **ALISON ROSE CRUZ**
13 **20231 Falling Springs Road**
Walnut, CA 91789
14 **Applicant for Registered Nurse License**

STATEMENT OF ISSUES

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely
19 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs.

21 2. On or about September 7, 2010, the Board of Registered Nursing, Department of
22 Consumer Affairs ("Board") received an application for Licensure by Examination from Alison
23 Rose Cruz ("Respondent"). Respondent certified under penalty of perjury to the truthfulness of
24 all statements, answers, and representations in the application. The Board denied Respondent's
25 application on March 28, 2011.

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6. Section 2762 of the Code states, in pertinent part, that:

“[I]t is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use alcoholic beverages to an extent or in a manner dangerous or injurious to herself, any other person, or the public or to the extent that such use impairs her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the consumption of any of the substances described in subdivisions (a) and (b) of this section, in which event the record of the conviction is conclusive evidence thereof.”

7. Section 23152 of the Vehicle Code states, in pertinent part, that:

“(a) It is unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, to drive a vehicle.

(b) It is unlawful for any person who has 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle."

REGULATORY PROVISIONS

8. California Code of Regulations, title 16, section 1444, provides:

“A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.

Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.”

1 **FIRST CAUSE FOR DENIAL**

2 **(Conviction of Substantially Related Crimes)**

3 9. Respondent's application for licensure is subject to denial under Code section 480,
4 subdivision (a)(1), in conjunction with Code sections 480, subdivision (a)(3) and 2761,
5 subdivision (f), as defined by California Code of Regulations title 16, section 1444, in that
6 Respondent was convicted of crimes substantially related to the qualifications, duties, and
7 functions of a licensed Registered Nurse, as follows:

8 10. On or about May 14, 2008, in the criminal matter entitled *People v. Alison Cruz*
9 (Super. Ct. Los Angeles County, 2008 Case No. 8MP05310), Respondent was convicted of one
10 misdemeanor count of driving with a blood alcohol level of .08% or above, in violation of
11 California Vehicle Code section 23152(b). The Court placed Respondent on probation for three
12 years and ordered her to serve thirteen days in jail, perform twelve days of Caltrans, or perform
13 175 hours of community service, complete an alcohol education course, and pay fines. The basis
14 for the conviction is as follows:

15 (a) On or about April 9, 2008 at 2:49 a.m., Respondent was driving with expired
16 registration tags on her vehicle. When officers with the Los Angeles Police Department
17 conducted an enforcement stop on Respondent's vehicle, they immediately observed Respondent
18 displayed objective signs of alcohol impairment. Upon questioning, Respondent admitted to
19 drinking earlier that night.

20 (b) Respondent submitted to a breath-alcohol test at the police station. The test revealed
21 that at the time of testing, Respondent had a blood alcohol level of 0.13%.

22 11. On or about May 14, 2010, in the criminal matter entitled *People v. Alison Cruz*
23 (Super. Ct. Los Angeles County, 2009 Case No. 9 MP13646), Respondent was convicted of one
24 misdemeanor count of driving under the influence of alcohol in violation of California Vehicle
25 Code section 23152(a). Respondent was placed on probation for a period of five years. She was
26 ordered to serve up to fifteen days in jail, complete a second offender alcohol education course,
27 and pay court fines. The basis for the conviction is as follows:

1 (a) On or about November 6, 2009 at 3:30 a.m., Respondent was driving a vehicle
2 without using headlights. When officers with the Los Angeles Police Department conducted an
3 enforcement stop on Respondent's vehicle, they immediately noticed that Respondent displayed
4 objective signs of alcohol impairment. Upon questioning, Respondent admitted to drinking
5 earlier that night.

6 (b) Respondent submitted to a breath-alcohol test at the police station. The test revealed
7 that at the time of testing, Respondent had a blood alcohol level of 0.10%.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Committed Act That If Done By Licensee Would Be Grounds for Discipline)**

10 12. Respondent's application for licensure is subject to denial under Code section 480,
11 subdivision (a)(3), in conjunction with Code section 2762, subdivision (b), in that Respondent
12 used alcoholic beverages in a manner dangerous to herself and the public when she operated a
13 vehicle while under the influence of alcohol.

14 13. Complainant refers to and by this reference incorporates the allegations set forth
15 above in paragraphs 10, subparagraphs (a) and (b), and 11, subparagraphs (a) and (b), inclusive,
16 as though set forth fully.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Conviction Involving the Consumption of Alcohol)**

19 14. Respondent's application for licensure is subject to denial under Code section 480,
20 subdivision (a)(3), in conjunction with Code section 2762, subdivision (c), in that Respondent
21 was convicted of crimes involving the consumption of alcohol.

22 15. Complainant refers to and by this reference incorporates the allegations set forth
23 above in paragraphs 10, subparagraphs (a) and (b), and 11, subparagraphs (a) and (b), inclusive,
24 as though set forth fully.

25 **PRAYER FOR RELIEF**

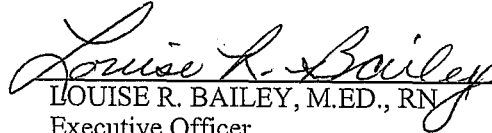
26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
27 and that following the hearing, the Board issue a decision:

28 1. Denying the application of Alison Rose Cruz for a Registered Nurse License;

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2. Taking such other and further action as deemed necessary and proper.

DATED: 7-12-11


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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